

Clerk's Office  
 USDC, Mass.  
 Date 2-8-05  
 By MR  
 Deputy Clerk

UNITED STATES OF AMERICA  
 DISTRICT OF MASSACHUSETTS

CRIMINAL COMPLAINT  
 M.J. No. ~~2003M0454RBC~~

*03-10370-DPW-06*

UNITED STATES )  
 )  
 v. )  
 )  
 JOHN GRAHAM, ET AL. )

**DEFENDANT JOHN GRAHAM'S MOTION  
 FOR COURT TO LIFT DRIVING RESTRICTION**

Now comes the Defendant John Graham in the above-entitled matter respectfully requesting this Honorable Court to lift the restrictions it previously imposed on Mr. Graham's right to operate a motor as a condition of his pretrial release. In support of this motion, counsel for Mr. Graham states that the following:

1. This court previously restricted Mr. Graham's right to operate a motor vehicle as a condition of his release following his charge in Rhode Island of driving under the influence of alcohol.
2. On July 9, 2004, the above-referenced charge of driving while under the influence of alcohol was dismissed. (See attached criminal complaint with docket entries). On July 7, 2004, at the Rhode Island Traffic Tribunal, Mr. Graham admitted that he failed to submit to a chemical test and as a result his privileges to operate a motor vehicle in Rhode Island were suspended for six (6) months. He was also required to participate in a program, pay fines and court costs, and perform community service.

3. On July 27, 2004, Mr. Graham's motion to seal/expunge the records related to his arrest was allowed. After having completed all of the requirements imposed by the State of Rhode Island<sup>1</sup>, on or about February 2, 2005 Mr. Graham's privilege to operate a motor vehicle in Rhode Island was restored. Attached hereto are the documents verifying the dismissal of charges and restoration of Mr. Graham's privilege to operate in Rhode Island.

4. Recently, on February 4, 2005, the Massachusetts Registry of Motor Vehicles informed Mr. Graham that it requires an order from this court before Mr. Graham's Massachusetts license could be restored to him.

5. It is important for Mr. Graham to be able to operate a motor vehicle during the pendency of this case. Mr. Graham is the President of Preservation International, Inc., a Massachusetts corporation. The Defendant, John S. Graham, Jr., is the only employee of the company. It is, therefore, essential that he be able to drive to meetings and events to further his livelihood and run his business. Between June 5, 2004 and the present date, Mr. Graham, who resides in Weston, has had great difficulty running his business as a result of his limited transportation options. Additionally, the absence of a license has placed a strain on his family life – he has not been able to share in the responsibilities of driving his daughter to and from appointments or engaging in mundane activities such as going to the grocery store, or running errands for his household.

6. Under the totality of the circumstances, including the dismissal and expunging/sealing of his record, Mr. Graham should be allowed to resume driving privileges during the case.

---

<sup>1</sup> Mr. Graham completed a driver retraining program in Rhode Island, he completed sixty (60) hours of community service, and he paid the necessary reinstatement fees. (See Attached Documents)

**STATE OF RHODE ISLAND****Department of Administration  
Division of Motor Vehicles****B441669****NOTICE OF RESTORATION****VOID WITHOUT OFFICIAL STAMP**

EFFECTIVE DATE

02/02/2005

DATE OF BIRTH

R.I. LIC. OR ID #

SOC. SEC. #

04/09/1961

019560487

000-00-0000

JOHN GRAHAM

ADDRESS NOT AVAILABLE

02/02/05 12:13PM 000000#1296

0001 LIC.REIN

OPERATOR CONTROL

PAWTUCKET, RI 02860

YOUR PRIVILEGE TO OPERATE IN THIS STATE WITH A #019560487  
VALID OUT-OF-STATE LICENSE IS RESTORED (NON RESIDENTIAL L.

SUBTOTAL

TOTAL

CASH

CHANGE

\$75.00

\$75.00

\$75.00

\$80.00

\$5.00

\$75.00

\$80.00

\$5.00

\$75.00

\$80.00

\$5.00

\$75.00

\$80.00

\$5.00

\$75.00

\$80.00

\$5.00

\$75.00

\$80.00

\$5.00

\$75.00

\$80.00

\$5.00

\$75.00

\$80.00

\$5.00

\$75.00

\$80.00

\$5.00

\$75.00

\$80.00

\$5.00

\$75.00

\$80.00

\$5.00

05 12:13PM  
#1296 0001  
LIC.REIN0487  
IL L. \$75.00  
AL \$75.00\$75.00  
\$80.00  
\$5.00

- \* This notice should be carried in your possession for 30 days after receiving your license/privilege to operate.
- \* This notice is void if suspended once again.
- \* This notice is void if altered.
- \* This notice is not a license to operate.

CERTIFIED  
*Charles W. DeLeon*

05 JAN 33 AM 11:56

RHODE ISLAND DIVISION  
OF MOTOR VEHICLES

FEE PAID: \$75.00

**NOTICE**

11:55

TO OBTAIN A LICENSE YOU MUST PRESENT ONE FORM OF IDENTIFICATION.

- ORIGINAL OR CERTIFIED COPY OF BIRTH OR BAPTISMAL CERTIFICATE, OR,
- PASSPORT OR IMMIGRATION CARD, PLUS,
- PROOF OF RESIDENCY

0339870693

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DISTRICT COURT

STATE OF RHODE ISLAND :

v. :

Compl. No. 04-1197

John Graham :

**DISMISSAL BY PROSECUTION (48A)**

Now comes the State of Rhode Island and dismisses the above entitled matter under Rule 48(a) of the Rules of Criminal Procedure for the following reasons:

TOOK TT SANCTIONS

STATE OF RHODE ISLAND

By:

St. Baum & Smith  
ASSISTANT ATTORNEY GENERAL  
SOLICITOR FOR CITY/TOWN OF



**BOYS & GIRLS CLUBS  
OF NEWPORT COUNTY**

**Executive Director**  
Joanne M. Hoops

**Officers**  
James P. Mercer  
President

William O'Hanley  
Vice President

Lisa Gross  
Secretary/Treasurer

December 21, 2004

To Whom It May Concern:

I am writing this letter on behalf of John S. Graham.

John has been tireless in volunteer work with The Boys and Girls Club in Newport R.I. for the past four months. He has helped with the mailing campaign and most importantly, with the Annual fundraising Gala at the Rosecliff Mansion in Newport. Not only did John help with the Gala, he also was kind enough to donate a Newport Collection custom carpet from his company, Preservation International Inc., for the silent auction.

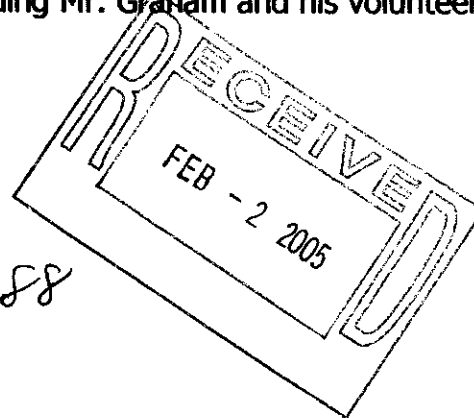
John S. Graham has given The Boys and Girls Club in excess of sixty hours of his time to help our organization help the children of Newport County.

Please do not hesitate to contact me regarding Mr. Graham and his volunteer work with Newport Boys and Girls Club.

Sincerely,

  
James Mercer

cell (508) 9226188



**Board of Directors**

Barry Coofer  
Allen Corcoran  
Dan Corrigan  
Dave Galvin  
Frank Hanson  
Terrence Houlihan  
Candy Keefe  
Rocky Kempenaar  
Ralph Mc Crea  
James Mercer  
Paul Mulligan  
William O'Hanley  
Patrick O'Leary  
Audrey Oswald  
Bettie Pardee  
Alicia Quirk  
Patricia Stensrud  
Robert Walker  
Suzanne Warren

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

NEWPORT, SC

DISTRICT COURT  
SECOND DIVISION

STATE OF RHODE ISLAND

Vs.

CA.NO. 21-04-1197

JOHN GRAHAM  
DOB 04/09/61

DOA: 06/05/04  
OFFENSE: DUI

**ORDER**

This matter came to be heard on the 27 day of July, 2004, in the District Court noted above, Judge Forness presiding, on the Defendant's Motion to Expunge Criminal Record; and after a hearing thereon, it is hereby **ORDERED, ADJUDGED and DECREED:**

1) That any fingerprints, photographs, physical measurements or other record of identification taken by the arresting police department and the Department of Attorney General, shall be destroyed by the Office or Department having custody or possession thereof within forty-five (45) days of this Order pursuant to RIGL 12-1-12.1.

2) That the court records of said defendant be sealed within forty-five (45) days of this Order pursuant to RIGL 12-1-12.1(d).

ENTER as an Order of this Court this 27 day of July, 2004.

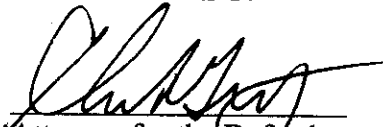
ENTERED:

ORDERED:

 J.

  
Clerk of the Court

PRESENTED BY:

  
Attorney for the Defendant  
Christopher S. Gontarz, Esq.  
314 Oliphant Lane  
Middletown, Rhode Island 02842  
401-847-5684  
Rhode Island Bar # 3124

%% R E C E I P T

Rhode Island Justice System

Receipt Number: TC01529215  
Date: 19-JAN-2005  
Cashier: CGA

Defendant: JOHN GRAHAM  
Address: 282 MONTVALE AVE  
WOBURN, MA 01801

---

Case: 01302008933  
STATE VS GRAHAM, JOHN  
Defendant: JOHN GRAHAM  
License Number: 019560487  
License State: MA  
Offense Date: 05-JUN-2004  
DOB: 09-APR-1961

Description	Amount Paid
Breathalyzer Refu	1,000.00
Court Costs	25.00
Total Paid:	1,025.00
Original Balance:	1,025.00
New Balance Due:	0.00

---

Tender Type: Check#513  
Amt Tendered: 1,025.00  
Total Paid: 1,025.00  
Change: 0.00

Balance Due is as of 19-JAN-2005.

0001197

2nd

04-338 AR

STATE EX REL	VS. DEFENDANT (NAME AND ALIAS) John S. Graham		
DEFENDANT ADDRESS AND PHONE 82 Montvale Ave Woburn MA.			
TREET EF. D.O.B. 4-9-61	CITY DEF. BCI NO.	STATE DEF. SOC. SEC. NO. 019560487	PHONE DEF. M.V. LIC. NO. 019560487 MA
OFFENSE DATE 3-5-04	<input checked="" type="checkbox"/> DIVERS DATE	OFFICER/COMPLAINANT SGT. FRANK KLUTH	
POLICE DEPT./COMPLAINANT ADDRESS 9 # Berkeley Ave Middletown RI. 02842			

STATE OF RHODE ISLAND  
DISTRICT COURT  
CRIMINAL COMPLAINT

01302008932

010087402

DETERMINE ATTY DATE	PRE TRIAL DATE
PRE-ARRAIGN CONF DATE	TRIAL DATE
SUPERIOR CT ARRAIGN DATE	MISC DATE/BAIL HRG/CONTROL

ON BEHALF OF THE STATE I SWEAR THAT THE ABOVE DEFENDANT DID  
TO ANY JUDGE OR JUSTICE OF THE PEACE: COMMIT THE FOLLOWING OFFENSES:

OFFICER/COMPLAINANT X SGT. FRANK KLUTH	DATE 6/5/04	SWORN TO BEFORE JUDGE/JUSTICE OF THE PEACE X F.J. FLANAGAN	DATE 5 JUN 04
---	----------------	---	------------------

## INITIAL APPEARANCE

APPEARANCE DATE	BAIL FOR ALL COUNTS \$	ARRAIGNMENT DATE	JUSTICE OF THE PEACE
-----------------	---------------------------	------------------	----------------------

## ARRAIGNMENT

ARRAIGNMENT DATE 5 JUN 04	ADVISED OF RIGHTS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	JURY TRIAL WAIVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PLEA COUNT 1 NG	PLEA COUNT 2	PLEA COUNT 3
BAIL FOR ALL COUNTS \$2000 WLS	ATTORNEY NAME	<input type="checkbox"/> PRIVATE <input type="checkbox"/> COURT APPT. <input type="checkbox"/> P.D.	JUDGE/JUSTICE OF THE PEACE X F.J. FLANAGAN		

COUNT 1 STATUTE(S)  
VIOLATED 31-27-2☐ FELONY ☒ MISDEMEANOR ☐ VIOLATION ☐ ORDINANCE

Did then and there operate a motor vehicle in this state: while under the influence of intoxicating liquor and or drugs; in violation of Tital 31, Chapter 27, Section 2 of the General Laws of Rhode Island as Amended. After having been convicted of DWI in Massachusetts on 1/14/00 SECOND OFFENSE

DISPOSITION <input checked="" type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING	<input type="checkbox"/> NOT GUILTY FINDING <input type="checkbox"/> CASE FILED 1 YEAR <input type="checkbox"/> INFO/TRUE BILL <input type="checkbox"/> NO INFO/NO TRUE BILL <input type="checkbox"/> OTHER	SENTENCE IMPOSED 4 yr	APPEAL TAKEN <input type="checkbox"/>	JUDGE X	DATE 7/9/04
PROCEEDING <input type="checkbox"/> ARRAIGN <input checked="" type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER					

COUNT 2 STATUTE(S)  
VIOLATED ☐ FELONY ☐ MISDEMEANOR ☐ VIOLATION ☐ ORDINANCE

DISPOSITION <input type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING	<input type="checkbox"/> NOT GUILTY FINDING <input type="checkbox"/> CASE FILED 1 YEAR <input type="checkbox"/> INFO/TRUE BILL <input type="checkbox"/> NO INFO/NO TRUE BILL <input type="checkbox"/> OTHER	SENTENCE IMPOSED	APPEAL TAKEN <input type="checkbox"/>	JUDGE X	DATE
PROCEEDING <input type="checkbox"/> ARRAIGN <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER					

COUNT 3 STATUTE(S)  
VIOLATED ☐ FELONY ☐ MISDEMEANOR ☐ VIOLATION ☐ ORDINANCE

SENTENCE IMPOSED